



Key Planning Considerations associated with Contracting

Brief iso U.S. Africa Command Contracting Conference

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Contracting Considerations and the Planning Process

- Overview:
 - The Combatant Commander establishes baseline requirements for contracts to be executed or delivered in the AOR
 - TBC/CAD provides the basis for the JFC to be able to synchronize and integrate contracted support flowing in from outside the JOA through external support and systems support contracts
 - TWCA precept defines the JFC's objective for CCAS and the associated responsibilities of parties executing CCAS
- Key Considerations
 - Baseline required by DPAP Policy
 - TBC/CAD – By Phase, Entry and Exit Criteria, Parameters
 - Acquisition Instructions (AI)
 - TWCA

Baseline Requirements

- Commanders are required to maintain an OCS webpage that includes key points of contact, prevailing regulations, orders, FRAGOs, GCC directives, unique clauses and other considerations necessary for soliciting or awarding a contract for performance in or delivery to that AOR (DPAP Policy Memo)
 - Not a new requirement
 - Phase O information until otherwise necessary
- DFARS PGI 225.7401
 - Combatant Commander is in the driver's seat!

TBC By Phase

- How should the Commander
Commander's requirements for TBC
progress by phase of the Operation?
- Levels could be specified by phase in Plan
 - Phase 0 – visibility and awareness of local considerations and requirements
 - Phase I-III – ensure visibility of and assert control over extent and location of contracted support
 - Phase IV – assert more extensive control to ensure visibility and compliance with Commander's intent and other requirements
- Lessons learned (Haiti) suggest even short operations would benefit from a specified TBC requirements

TBC/CAD Entry and Exit Criteria

- Pre-approval of solicitations and contracts and direction of contract administration is not required or suitable in most circumstances
 - Administration and maintenance is labor intensive
 - Getting compliance will take time
- Joint doctrine does not currently address
 - Draft TBC Planning Guide has been submitted to JS for review
- Specific TBC/CAD requirements should be based on the JFC's requirements
 - TBC light (i.e.. SPOT requirement in EUCOM)
 - TBC medium (Kuwait and Pakistan requirements)

TBC Parameters

- Visible?
- Meet JFC intent?
- Life support pre-coordinated?
- Required local provisions and clauses and other requirements addressed?
- Contractor oversight pre-arranged?

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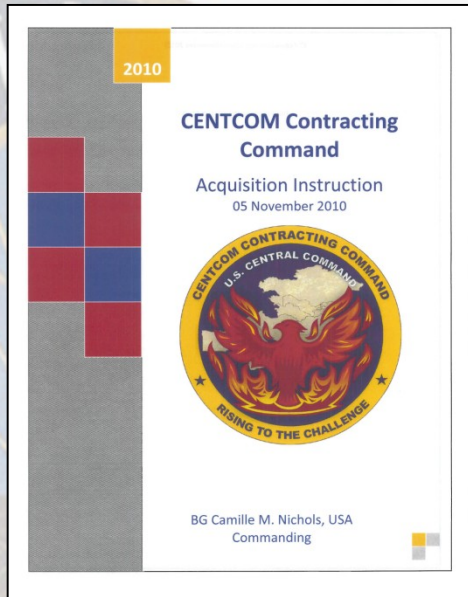
Extent of
control
required
and that
can be
supported
?

CAD Parameter

- Ensure optimal contract administration
 - KO assigns contract administration to the Lead Service or Joint TSCC?

Situational and dependent on TWCA precept (if any)

Acquisition Instructions



<http://c3-training.net/docs/C3%20ACQUISITION%20INSTRUCTION.pdf>

This Acquisition Instruction (AI) establishes general contracting procedures for CENTCOM Contracting Command (C3). It is issued pursuant to AFARS 5101.304 and provides internal guidance, including designations and delegations of authority, assignments of responsibilities, work-flow procedures, and internal reporting requirements. It contains procedures that are required by regulation to be established by the Head of Contracting Activity (HCA); procedures that implement policies; and procedures necessary to ensure that business practices are consistent throughout the C3 Area of Responsibility (AOR). The AI implements and supplements the Federal Acquisition Regulation (FAR), the Department of Defense Federal Acquisition Regulation Supplement (DFARS) and the DFARS Procedures, Guidance and Information (PGI), and the Army Federal Acquisition Regulation Supplement (AFARS) to establish uniform policies for C3 acquisition. It does not restrict the exercise of good business judgment or stifle innovation.

The intent of this document is to provide theater specific requirements, guidelines and rules

Highlights

- Latest update is 264 pages
- Evolved over last 5 years
- Based on Army regulations
- Contains 7 provisions and 27 clauses, 15 of which are also applicable to external support and systems support contracts
- Lays out JTSCC coordination and

TAKEAWAYS

- While C³ is a joint command, its AI is based on the regulations of the Service providing HCA authority
 - AI is required to support a JTSCC
 - AI will codify Phase O requirements that already exist on the GCC's OCS webpage
- Prepared and maintained by contracting professionals for contracting professionals
- Applied to external support and systems support contracts

Theater Wide Contract Administration (TWCA)

- When the JFC desires to ensure optimal contract administration within the JOA, a TWCA precept should be established that:
 - Determines the level of visibility desired by the JFC over the conduct of CAS in the JOA
 - Determines the desired categories/ thresholds of contracts to be delegated by PCOs to the Lead Service/Joint TSCC for oversight
 - Determines the roles and responsibilities of the components, including Combat Support Agencies, in supporting the execution of CCAS, including the need for any MOAs
- Should the Lead Service/Joint TSCC have cradle to grave contracting responsibility?

Suggested Planning Approach

- **AI**
 - Establish responsibilities of the Lead Service/Joint TSCC to publish in task paragraph
 - Publish separately from Annex W
- **TBC/CAD**
 - Establish responsibilities, entry and exit criteria and desired parameters in the task paragraph
 - Lead Service/Joint TSCC publish TBC/CAD guidance separately from Annex W
- **TWCA Precept**
 - When desired, define desired level of visibility and control over conduct of CCAS towards achieving “optimal contract administration” and roles and responsibilities of Service Components and CSAs, including requirements for MOAs in the task paragraph
 - Lead Service/Joint TSCC publish TWCA guidance separately from Annex W



Questions?

Mandatory Provisions/Clauses for Systems Support and External Support Contracts in I/A

Acquisition Instruction Mandatory Language									
		Title	Fill in SOW/RFP Page # or NA	CO's Guide to Special Req	U	C	S	C	Prescription
1	F	952.225 0006 Contract Delivery Requirements (MAR 09)		Pg 2	B	R			Include in all contracts, orders or blanket purchase agreement call orders for supplies to be delivered to Iraq or Afghanistan.
2	F	952.225 0007 Mandatory Shipping Instructions (IRAQ ONLY) (FEB 10)		Pg 3	E	R	A	A	Insert in any non-DTS delivery into Iraq. Supplies ordered by USG and that will be tracked or supported by Logistics Operations of the US Army Corps of Engineers and US Forces-Iraq (USF-I).
3	F	952.225 0008 Weapon Special Shipping Instruction (MAR 09)		Pg 5	E	R	A	A	Insert in all weapons delivery contract. All weapons shipped into Iraq and/or Afghanistan must have complete serial number identification. This includes contracts for armed security.
4	F	952.222 0001 Prohibition Against Human Trafficking, Inhumane Living Conditions, and Withholding of Employee Passports (AUG 09)		Pg 6	H		R	R	Insert in all solicitations and contracts for service or construction with performance in Iraq or Afghanistan.
5	F	952.223 0001 Reporting a Kidnapping, Serious Injury, and Deaths (MAR 09)		Pg 7	H	A	R	R	Insert in all solicitations and contracts for service or construction with performance in Iraq or Afghanistan.
6	F	952.225 0001 Arming Requirements and Procedures for Private Security Contracts, Personal Security Detail Contracts and Requests for Personal Protection in Iraq and Afghanistan (FEB 10)		Pg 8	H	A	A	A	Insert in all solicitations and contracts for service or construction that include arming requirements with performance in Iraq or Afghanistan. This is a flow-down requirement and must be included in any tier contract that includes arming, including arming of employees for self defense.
7	F	952.225 0002 Armed Personnel - Incident Reports (I AN 10)		Pg 14	H		A	A	arming requirements with performance in Iraq or Afghanistan. This is a flow-down requirement and must be included in any tier contract that includes arming, even if for employee self-defense only.
8	F	952.225 0003 Fitness for Duty and Limits on Medical / Dental Care in Iraq/Afghanistan (APR 10)		Pg 15	H	A	R	R	Contracted employees are limited to resuscitation emergency medical care as defined in this clause. Insert in all solicitations and contracts for service or construction with performance in Iraq or Afghanistan.
9	F	952.225 0004 Compliance with Laws and Regulations (I AN 10)		Pg 17	H	A	R	R	Insert in all solicitations and contracts for service or construction with performance in Iraq or Afghanistan.
10	F	952.225 0005 Monthly Contractor Census Reporting (MAR 09)		Pg 18	H		R	R	Insert in all solicitations and contracts for service or construction with performance in Iraq or Afghanistan.
11	F	952.225 0009 Medical Screening and Vaccination Requirements for Locally Hired Employees (I AN 10)		Pg 19	H	A	R	R	Insert in all solicitations and contracts for service or construction with performance in Iraq or Afghanistan.
12	F	952.225-0011, Government Furnished Contractor Support (APR 10)		Pg 20	H	A	R	R	Insert in all solicitations and contracts for service or construction with performance in Iraq or Afghanistan.
13	F	952-225-0013, Contractor Health and Safety (FEB 10)		Pg 21	H		R	R	Insert in all solicitations and contracts for service or construction with performance in Iraq or Afghanistan.
14	F	952.236 0001 Electrical and Structural Building Standards for Construction Projects (FEB 10)		Pg 22	H		R	R	Insert in all construction or construction related contracts; including minor construction, renovation, alteration, and refurbishment with performance in Iraq or Afghanistan.
15		52.228-3, Workers' Compensation Insurance (Defense Base Act) (APR 84)		Pg 23	I		R	R	Insert in all solicitations and contracts for service or construction with performance in Iraq or Afghanistan.
16	F	Contractor Personnel in U.S. Central Command Area of Responsibility (Deviation 2007-00010)		Pg 24	I	A	A	A	Required for all contracts >\$25,000 that do not incorporate DFARS 252.225-7040. This includes contracts that are not in direct support of the US Armed Forces, e.g. reconstruction projects and services in support of Afghan or Iraqi government.
17	F	DFARS 252.225-7040, Contractor Personnel Authorized to Accompany U.S. Forces Deployed Outside the U.S. (I UL 09)		Pg 31	I		A	A	This clause applies to contractor personnel who are authorized to accompany and support the US Armed Forces.
18	F	252.225-7997, Additional Requirements and Responsibilities Relating to Alleged Crimes by or Against Contractor Personnel in Iraq or Afghanistan (Deviation) (Dec 2009)		Pg 40	I		R	R	Insert FULL TEXT in all solicitations/contracts for services or construction when contractor employees will spend more than 14 days in Iraq or Afghanistan.
19	F	252.246-9999, Safety of Facilities, Infrastructure and Equipment for Military Operations (Deviation) (April 2010)		Pg 41	I	A	R	R	Insert FULL TEXT in all solicitations/contracts for construction, repair, maintenance, or operation of facilities or equipment of facilities to be occupied by DoD civilian or military personnel O/S US during military operations.